

0001

01 U.S. DEPARTMENT OF INTERIOR
02 BUREAU OF LAND MANAGEMENT
03 CALIFORNIA DESERT DISTRICT, RIDGECREST FIELD OFFICE

04

05

06

07

08 SURPRISE CANYON EIS

09 PUBLIC AND AGENCY SCOPING MEETING

10

11 MEETING DATE: JULY 31, 2002

12 MEETING TIME: 7:00 P.M.

13 MEETING PLACE: BOULDER CREEK RV RESORT CLUBHOUSE

14 LONE PINE, CALIFORNIA

15

16

17

18

19

20 Transcribed by: Jill Inman-Ferguson

21

22

23

24

25

0002

01

APPEARANCES

02

03 Meeting Facilitator: John C. Jostes, AICP
04 30 West Mission Street
05 Suite 4
06 Santa Barbara, California
07 93101

08 (805) 687-7032

09 General Public Speakers: Joe Andrews
10 Sophia Merk
11 Mary Grimsley
12 Red Grandell
13 Stan Haye
14 Franzie Grandell
15 Larry Langston
16 Hector Villalobos
17 Richard Crowe
18 Ryan Birdseye
19 Loretta Pedersen
20 Ron Stormo
21 Terry Allen
22 Jeff Aardahl
23 Chuck Williams
24 Margret Grams
25 Jeri Ferguson

0003

01

02 WEDNESDAY, JULY 31, 2002; 7:00 P.M.

03

04 BOULDER CREEK RV RESORT CLUBHOUSE

05

06 MR. JOSTES: Okay. Could everybody kind
07 of get ready to join us as far as the meeting goes.

08 Don't feel bashful. Come on up.

09 My name is John Jostes. And I'm an
10 independent facilitator retained by the Bureau of Land
11 Management to run these series of scoping meetings.

12 This is the third installment in a total of
13 five scoping meetings we're going to have throughout
14 the Eastern Sierra and Southern California.

15 We've had one in Ridgecrest. Actually, we
16 had two meetings in the afternoon and evening on Monday
17 night over in Ridgecrest yesterday. We heard from
18 folks in Bakersfield at two sections. This is the
19 second session we had here in Lone Pine.

20 And next week we'll pick up in Pasadena on
21 Monday afternoon and Monday evening and in San Diego
22 Tuesday afternoon and Tuesday evening.

23 I'd like to thank you all for taking the
24 time to come this evening and to participate in the way
25 you feel like. Whether it's listening or speaking,

0004

01 you know, we're glad you're here.

02 This is a scoping meeting which has as its
03 central objective to receive input from interested
04 organizations and individuals who would like to provide
05 comments regarding the scope of the Environmental
06 Impact Statement that's being prepared on access
07 alternatives to Surprise Canyon.

08 There are 10 basic issue areas that the
09 Environmental Impact Statement has been focused on:
10 Those are natural resources, cultural resources;
11 geology and soils -- I'm seeing if I can remember these
12 without looking and cheating -- water quality and water
13 quantity; recreation; aesthetics and visual issues;
14 land use and transportation; recreation;
15 social/economic impacts; wild and scenic river issues;
16 and air quality and noise.

17 If your issue is not up here, we want to
18 hear about it as far as its environmental effects,
19 questions you may have, and also giving the BLM some
20 indication of the range of alternatives that you think
21 should be considered in this environmental document.

22 This is the first of three components in
23 which the public has an opportunity to make their
24 comments heard, the first being to focus on the
25 environmental document.

0005

01 After August 30th, which is the end of the
02 comment period for the scoping process, the -- the BLM
03 in -- with the assistance of AMEC Environmental
04 Consultants, will prepare a draft Environmental Impact
05 Statement that will be released for public comment and
06 review.

07 At that point in time, folks, I urge you
08 to comment on its completeness, its accuracy and its
09 objectivity because that document will serve as an

10 information document that will lead to the choice, by
11 the BLM, its preferred alternative.

12 Once they have done that, they will hold a
13 hearing in which people will be allowed to provide
14 protest if they don't agree with that choice.
15 And that is the third part of the public review
16 process.

17 We're here tonight to really give you a
18 chance to focus in on what you think is important
19 about this environmental review process; and so the
20 more detailed and specific you are, I think, the more
21 value the BLM and its consultants can get out of
22 those comments in terms of focusing in on things that
23 are important.

24 When you came in, hopefully you picked up a
25 comment form, which is on the desk over here. It's --
0006

01 this is an opportunity for you to write down what you'd
02 like to provide the -- the agency as far as your
03 comments. You can mail it in, or you can leave it with
04 us before this evening's out; but if you do mail it in
05 or take it home with you, remember that August 30th is
06 the last day to get the comments in.

07 There is also an information sheet that
08 goes over some of the background and context of why
09 we're here, why the BLM is conducting this
10 environmental review. It is an outgrowth of a
11 settlement from a lawsuit that was brought by the
12 Center of Biodiversity, and that settlement focused
13 in on doing an EIS to provide for a temporary
14 closure of the Surprise Canyon area up until August --
15 July 3- -- or June 30th.

16 And what we're looking to you tonight is to
17 talk to us in terms of whether it should remain open,
18 whether it be limited access. Should there be closed
19 access? Should there be alternative routes to provide
20 access into the area?

21 We're really looking to you to give us some
22 idea what you think we should look at.

23 In hearing comments tonight, I think we've
24 got a comfortable room here, and we don't have a huge
25 number of people; so I'm going to try to run this
0007

01 fairly informally. But I do go by a series of ground
02 rules, which are printed on the back of the agenda.
03 And these ground rules give you the boundaries of
04 providing for some constructive comments this evening.

05 No decisions are going to be made regarding
06 access alternatives in Surprise Canyon. If you could,
07 you can indicate what issues you think should be
08 addressed and what questions need to be answered. And
09 I'll be taking notes on the flip charts here, and we
10 have a court reporter who will transcribe verbatim what
11 we hear this evening.

12 So between those two approaches for
13 recording the comments, those things will go back to
14 the BLM which will be made a part of the public record.

15 I ask that you deal with your differences
16 as problems to be solved and not battles to be won.
17 Keep the discussion focused, and keep it civil. I
18 expect a degree of passion, but I also expect a degree
19 of discipline because we're people here and each person
20 needs to be treated with respect.
21 By sharing relevant information, we believe
22 that the environmental document can be made to be more
23 responsive to the needs of a broad segment of the
24 community who has an interest in Surprise Canyon.
25 In making your comments -- I think it goes
0008
01 without staying, but I'll say it, anyway -- avoid
02 taking cheap shots, clapping does not help. We're here
03 for information gathering not to vote as to whether
04 access should be allowed or disallowed.
05 And lastly, try to be focused, and limit
06 your comments to three or four minutes. I'm not going
07 to enforce that unless people really go offtrack and we
08 need to bring things back into a more formalized
09 process.
10 I'd be happy to do that, but I think we're
11 going to be more productive and get better feedback if
12 we try to keep it informal.
13 We have up in the front some speaker cards;
14 so if anybody would like to speak, I'd like to get
15 those from you so we can give those to the court
16 reporter so she can get your name accurately spelled
17 and reported as part of the record.
18 So with that, I'd like to open it up and --
19 are there folks who would like to make some comments
20 this evening?
21 MS. JERI FERGUSON: Nobody's going to talk
22 until it's at the end.
23 MR. JOSTES: I -- I really -- I really
24 can't dance or sing. So I'm really looking to you to
25 inform us as to what your concerns are. And if you
0009
01 don't have concerns or questions, that's fine, too.
02 But we want to give you an opportunity to tell us what
03 you're looking for in terms of what this EIS needs to
04 cover.
05 Does anybody need yellow cards? Then we
06 can go home.
07 MS. JERI FERGUSON: Oh, no.
08 MR. JOSTES: If people don't have comments
09 to make, we can -- we can complete the meeting and go
10 on to more important things.
11 MS. SAM MERK: No. The meeting is
12 supposed to be held between 7:00 p.m. and 9:00 p.m.
13 MS. JERI FERGUSON: And her name is
14 Sam Merk.
15 MS. SAM MERK: And my name is Sam Merk.
16 MR. JOSTES: Sam. Okay.
17 MS. SAM MERK: I will talk.
18 MR. JOSTES: That will be good.
19 MS. SAM MERK: I'm going to ramble because

20 I haven't had a chance to -- really done a whole
21 bunch.

22 Here I am -- my name is Sophia Merk. And
23 I'm a little bit concerned because in your -- in your
24 scoping comments -- you can call me "Sam." Everybody
25 else does. It's easier to say, "Damn, Sam." But
0010 anyway.

01
02 So -- but in the scoping process you stated
03 that you were going to be calling to make the process.
04 And the need for a process of a National Environmental
05 Policy Act, it asks for a couple of things. And
06 already I see that we're out of sync.

07 The time limits -- you're supposed to set
08 time limits. Usually time limits are set for
09 30 days -- at least 30 days after the meetings. I see
10 that you've got the date already for August 30th. And
11 your last meeting, if I understand this correctly, will
12 be August 6th. And that's going to be in San Diego.
13 That gives those people less than 30 days to comment on
14 the scoping. And that is not -- that's not valid.
15 That's not correct. NEPA says you can't do that.

16 So I really hope this time around the block
17 that the time limits are set, the lead agencies are
18 truly defined, whether the BLM is going to take the
19 lead on this or if the Fish & Game is going to be
20 taking the lead on this one.

21 You also have to address cooperating
22 agencies. You also have to address tribal entities.
23 Now, I don't see you doing that either.
24 And your scoping process, you're supposed to be talking
25 about your affected environment, the consequences --
0011

01 MR. JOSTES: Okay.
02 MS. SAM MERK: -- tiering, t-i-e-r-i-n-g.
03 You're supposed to make all the information available
04 to the public. And what I mean by that is that NEPA
05 says that you're supposed to be putting some of these
06 things into libraries, and the BLM has not been doing
07 this lately.

08 You're supposed to do a cost/benefit
09 analysis, a cumulative analysis. And then when you get
10 right down to the bottom line, you're supposed to do
11 good science.

12 MR. JOSTES: Okay.
13 MS. SAM MERK: One of the things I would
14 like to see on this, also is the fact that by
15 specifically just challenging out Surprise Canyon,
16 you're not looking at the cumulative effects of all of
17 the other closures that you've had in the Panamints.
18 For instance, there's 11 perennial streams
19 that drain into Panamint Valley, and only two of them
20 are outside wilderness, four of these were
21 cherry-stemmed into --

22 MR. JOSTES: Four?
23 MS. SAM MERK: Four.
24 They were cherry-stemmed. And of those

25 four, you took two out in the CBD lawsuit. That leaves
0012 you two.

02 When you look at the whole valley,
03 Panamint Valley, you got Little Park Place, Happy
04 Surprise, Hall, Jail.

05 MR. JOSTES: Are you going to be submitting
06 written comment?

07 MS. SAM MERK: Oh, you better believe I
08 will.

09 MR. JOSTES: Good.

10 MS. SAM MERK: That's why I need 30 days.

11 MR. JOSTES: Good.

12 MS. SAM MERK: And on the Argus Range,
13 you've got the water, light, revenue, snow, and
14 Thomson. And all of those in the Argus Range are
15 closed -- are closed. So you've only got two left now.

16 And the BLM is supposed to represent
17 multiple use. And if you close all of those, that
18 doesn't represent multiple use.

19 Another thing I would like to see is that
20 the data regarding the water quality and quantity
21 specifically state exactly -- exact signs.

22 For instance, if you try to take a bucket
23 and calculate water, in some instances that's an okay
24 situation. But when you come up with some bogus
25 numbers -- when some of the consultation biologists

0013 come up with these bogus numbers, like for instance,
01 what they came up for in a report that they did for
02 NEMO book -- that was out not too long ago -- the
03 equivalent would have been for a flash flood, and --
04 but if you absolutely took the data that this
05 consultant got for the gallons per minute, I mean, it
06 would have been happening in a flash flood.

07 Here it is right here. The stream flow is
08 off 100 to 100 CFS in the canyon narrows, which would
09 be a substantial flow for a water course in the
10 Mojave Desert.

11 What is not said in this number -- and this
12 number was taken out of context. And if you actually
13 took the amount of water, it should have been 14/100ths
14 and not the -- not the amount that was reported. That
15 was 1000th of the amount reported for approximately
16 50 gallons per minute at its high point versus what was
17 said in that one book, 450 CFS.

18 So that's why I say if you're going to use
19 the report, better make sure it's right.

20 Thank you.

21 MR. JOSTES: Thank you. Okay.

22 Somebody else like to make a comment?

23 MR. JOE ANDREWS: I would.

24 Mainly a question.

0014 MR. JOSTES: Okay. If you could state your
01 name for our reporter.

02 MR. JOE ANDREWS: My name is Joe Andrews.

04 MR. JOSTES: Okay, Joe.
05 MR. JOE ANDREWS: My question is:
06 Isn't -- isn't there currently an active claim in
07 Surprise Canyon? And how is that being dealt with?
08 MR. JOSTES: Okay. Is that it? Okay.
09 Other questions or comments?
10 Oh, good.
11 MS. MARGRET GRAMS: My name is
12 Margret Grams. My concerns have to do with emergency
13 services, including emergency services/emergency
14 access.
15 MR. JOSTES: Okay.
16 MS. MARGRET GRAM: Also having
17 cell phone -- other kinds of communications available.
18 MR. JOSTES: Can you give me a little bit
19 more on that, Margret? What -- what's the underlying
20 thing you're trying to achieve?
21 MS. MARGRET GRAMS: Okay. Right now there
22 is no cell phone service except for in direct line with
23 Panamint -- or I mean, with -- yeah, Panamint Springs
24 and the Briggs Mine.
25 MR. JOSTES: Uh-huh.
0015
01 MS. MARGRET GRAMS: There's a huge area of
02 dead -- dead --
03 MR. JOSTES: Dead zone?
04 MS. MARGRET GRAMS: Dead zones, yeah.
05 And if you have children running about,
06 lost -- or you know, for that whole general area.
07 And also we've had the ambulance looking for somebody
08 for a half an hour just because there's no way to
09 communicate.
10 MR. JOSTES: Uh-huh.
11 MS. MARGRET GRAMS: And so I see something
12 like cell phone service as being important.
13 MR. JOSTES: Something that was not
14 captured in that -- in that 10 or so issue area; so
15 you'd like to see emergency service and access added to
16 that as an issue that needs to be addressed --
17 MS. MARGRET GRAMS: Yes.
18 MR. JOSTES: -- in terms of access and --
19 MS. MARGRET GRAMS: Yes.
20 MR. JOSTES: -- environmental impacts and
21 those types of things?
22 MS. MARGRET GRAMS: Yes. Some thought as
23 to what the process is --
24 MR. JOSTES: Uh-huh.
25 MS. MARGRET GRAMS: -- in regards to --
0016
01 to how emergencies are going to be handled --
02 MR. JOSTES: Okay.
03 MS. MARGRET GRAMS: -- and how to prevent
04 emergencies to some degree.
05 MR. JOSTES: Okay. Great.
06 Other comments, questions?
07 MS. JERI FERGUSON: You guys shouldn't let
08 me loose for a couple of hours.

09 Jeri Ferguson.
10 One of the -- when I was reading through
11 the Desert Protection Act, I was wondering where BLM
12 is on their -- on study -- they're supposed to
13 determine if there was numerous different wildernesses
14 to determine the suitability of those wildernesses.
15 Again, there's -- there is supposed to be a
16 10-year study on the Desert Protection Act, and
17 Surprise Canyon is one of those -- or Surprise
18 Wildernesses, is one of those. Manly -- and there was
19 a few other new ones. I don't remember all of them
20 offhand -- but the status of that and where it's at and
21 if they're planning on it being -- that is not
22 appropriate wilderness anymore and that they're -- if
23 they're going to open it back up for mineral
24 exploration and extraction.
25 MR. JOSTES: So the reassessment time

0017

01 frame?

02 MS. JERI FERGUSON: Well, there was a
03 10-year time frame mandated by congress; so by 2004,
04 they're mandated to reassess the wilderness from --
05 where, I think, there was five different wildernesses
06 for mineral extraction and exploration, and
07 Surprise Canyon was one of those.

08 When I did my FOIA on Sunrise Canyon, none
09 of that ever got brought up in any of the documents
10 that I got and that they hadn't even been doing these
11 studies.

12 So I was wondering where that --

13 MR. JOSTES: Okay.

14 MS. JERI FERGUSON: -- where that study is
15 at and how it's going to affect this --

16 MR. JOSTES: Good question.

17 MS. JERI FERGUSON: I mean, because if it
18 isn't a wilderness, if it's deemed that it is not
19 appropriate as a wilderness to begin with, then this is
20 a moot conversation.

21 MR. JOSTES: Okay. Other questions?
22 Anybody else?

23 MS. JERI FERGUSON: Can I do a quick
24 introduction?

25 MR. JOSTES: Excuse me?

0018

01 I think what we're here to do is to take
02 comments from you; so if there's no more comments --

03 MS. JERI FERGUSON: Oh, yes.

04 MR. JOSTES: -- we're going to conclude the
05 meeting.

06 Good.

07 Mary?

08 MS. MARY GRIMSLEY: I'm Mary Grimsley, from
09 the Gear-Grinders Club of Ridgecrest.

10 MR. JOSTES: If you could speak up a little
11 bit, the acoustics are difficult, for -- I know, for
12 Jill to hear. And I'm trying to get down notes, as
13 well, so....

14 MS. MARY GRIMSLEY: Yeah. Mary Grimsley of
15 Gear-Grinders Club Ridgecrest. This is an official
16 statement from the Gear-Grinders. The following
17 comments represent 21 family members of the
18 Gear-Grinders Club of Ridgecrest and also potential
19 members.

20 Naturally, our main concerns and objectives
21 are to maintain --

22 MS. INMAN-FERGUSON: Please, slow down.
23 when you read, you tend to go a little faster.

24 MS. MARY GRIMSLEY: Yeah. I might have
25 been.

0019

01 We have been concerned that over the past
02 20 years, access in the area which is accessible by
03 vehicles has continued to decrease at an alarming
04 rate.

05 Surprise Canyon is one of many canyons in
06 the Panamint boundaries. We believe that Surprise
07 Canyon should not be treated as an isolated canyon.
08 Several canyons already are closed. Tuber and
09 Happy Canyon, to mention two, have riparian areas and
10 roads up them which are now closed to vehicles by
11 congress.

12 They should have the same studies made and
13 compare those findings of numbers and types of plants,
14 reptiles, amphibians, birds, and mammals as to what has
15 been already reported by the biologist's report, which
16 is found on line, or other available data.

17 Many of the species listed are common
18 throughout the whole upper Mojave Desert and are not
19 unique to Surprise Canyon.

20 An early 1870 army scientific expedition
21 from four independent reports say that the road to
22 Panamint City is in remarkable condition. We know that
23 the road of Surprise was traversable by vehicles up to
24 the infamous -- up to the time of the infamous flash
25 flood of 1984.

0020

01 We know that the road up to Surprise Canyon
02 was and is on the inter-county maintained road system,
03 although it has not been maintained since the flash
04 flood of August of 1984.

05 The road of Surprise Canyon was also
06 recognized and cherry-stemmed into the California
07 Desert Protection Act of 1994 by congress.

08 Therefore, it is our contention that this
09 qualifies it as an RS-2477 right-of-way, and it should
10 not be closed now or in the future. In fact, it should
11 be reopened and not closed until this process has been
12 completed and a final decision made.

13 As long as it remains closed, the attitude
14 will be "What's the hurry?" Any studies for analysis
15 of already-gathered data or the collection of new
16 information as well as the deciphering of these scoping
17 meetings should go -- could go on indefinitely.

18 We believe, with the route reopened, this

19 would hasten the conclusion of the process in a much
20 more timely manner, whether the outcome supports either
21 opening or closing it on a permanent basis.
22 The closure of this historic road should be
23 based on sound, scientific information, not on the
24 warm, fuzzy feeling of knowing that it is protected,
25 which is what we have heard from the radical
0021 environment committees who support this closure.
02 Thank you.
03 MR. JOSTES: Thank you, Mary.
04 Okay. Anybody else like to comment?
05 Good.
06 MR. RED GRANDELL: Red Grandell.
07 Anyway, I'd like to know if there's private
08 property at the top of that canyon. If there's roads
09 going to be closed, how are the people going to get to
10 their private property? I believe that it should stay
11 open no matter what.
12 MR. JOSTES: Okay. Anybody else like to
13 make a comment?
14 MR. JOE ANDREWS: I'd like to comment.
15 MR. JOSTES: Yes. Please, do.
16 MR. JOE ANDREWS: Joe Andrews.
17 One of my concerns is when these agencies
18 do their studies is that they are done by scientist,
19 people without a predetermined cause.
20 MR. JOSTES: A predetermined --
21 MR. JOE ANDREWS: -- cause or --
22 MR. JOSTES: Yeah.
23 MR. JOE ANDREWS: In other words, yeah,
24 they don't come in with an idea that they want to close
25 it already.
0022 They have an open mind when they come in to
01 do the scientific studies and so we get actual
02 scientific facts and not somebody's attitude.
03 MR. JOSTES: Very good point.
04 Yes.
05 MS. MARY GRIMSLEY: Mary Grimsley, again.
06 I'd also like to add to that that it should
07 be someone independent of the Bureau or Fish & Game.
08 It should be an independent agency that does this, a
09 consulting firm, whatever.
10 MR. JOSTES: Okay. For a group that
11 didn't have anything to talk about, I think we're
12 making some progress here.
13 Yes, sir.
14 MR. STAN HAYE: Stan Haye.
15 I'd just like to add to that whoever does
16 this response should have the proper scientific
17 measurements.
18 MR. JOSTES: Okay. Could I get a card from
19 you?
20 MR. STAN HAYE: Might as well make a few
21 other comments.
22 MR. JOSTES: Please, do.
23

24 MS. JERI FERGUSON: Stan, you don't have to
25 get up.

0023

01 MR. STAN HAYE: Oh, I'm sorry.

02 Let's see. One comment is that BLM is
03 prevented by law from considering RS-2477 issues.
04 I think the CIF should only consider things that it
05 lawfully can; so 2477 is off the table as far as this
06 goes.

07 There needs to be an inventory for the
08 present condition of the roadbed. I don't believe
09 probably very much of it exists at the present moment.

10 MR. JOSTES: Stan, what do you mean when
11 you say "an inventory of the present condition of the
12 roadbed"? Can you -- can you give me a little bit
13 more --

14 MR. STAN HAYE: Well, it doesn't exist.

15 MR. JOSTES: Doesn't exist. Okay.

16 MR. STAN HAYE: I mean, a lot of it -- at
17 least in the narrows, it doesn't exist. In other
18 areas, we don't know.

19 MR. JOSTES: Okay.

20 MR. STAN HAYE: But that should be part of
21 the EIS.

22 As far as economic issues go, we should
23 have hard information on how many people actually go up
24 Surprise Canyon every year, since the washout, under
25 present conditions. Maybe George and Robby Novak can

0024

01 help on that. BLM can also.

02 Also, these people go up there, where do
03 they stay? And how much do they spend? We need hard
04 facts on that and not hearsay.

05 Okay. And since I'm up, the county --
06 Inyo County Road Department should be contacted to
07 determine once and for all whether that road,
08 specifically from Chris Wicht Camp to Panamint City, is
09 on the FAS, that is, the Federal-related, secondary
10 road map. That would determine whether or not it is,
11 in fact, a county road.

12 I talked to the County Road Department
13 today, and they weren't sure how much of that is county
14 maintained.

15 MR. JOSTES: Okay.

16 MR. STAN HAYE: Okay. And one other slight
17 issue that hasn't come up here. It has been said that
18 this road is needed for access to Panamint City. In
19 fact, the National Park Service boundary is
20 three-quarters of a mile below Panamint City.
21 Beyond there, it's in FS land.

22 The superintendent of the
23 Death Valley National Park has said the road doesn't
24 exist in the national park; therefore, there won't be
25 any access -- or not any motorized access, at least,

0025

01 allowed in the park.

02 So all of -- the only thing this EIS can

03 consider is access, I suppose, or motorized access to
04 three-quarters of a mile below Panamint City. Roughly,
05 I mean. It's not exact. Hopefully.
06 Thank you.
07 MR. JOSTES: Okay. Anybody else like to
08 add a comment or an additional comment?
09 MR. JOE ANDREWS: Joe Andrews, again.
10 I've been up the road, and the road
11 absolutely does exist. It's there. Just because
12 somebody has a position of substance doesn't mean the
13 rest of us has to believe that the road isn't there.
14 I've been on it, and it's obvious. They've got fire
15 places in there.
16 Also, RS-2477 is the law, and a government
17 agency should not avoid the law. They should also deal
18 with it, and it's very much in concern with those
19 areas.
20 Thank you.
21 MR. JOSTES: Okay.
22 MR. STAN HAYE: Stan Haye, again.
23 The law is that the BLM cannot consider
24 RS-2477 at this time. That is the law, period.
25 MR. JOSTES: Okay. We've got a wide
0026 variety of opinions on that.
02 Other comments?
03 Yes.
04 MS. SOPHIA MERK: I have mostly a question.
05 MR. JOSTES: Okay.
06 MS. SOPHIA MERK: And I hope if -- if I'm
07 not taking a way from anybody --
08 MR. JOSTES: Okay.
09 MS. SOPHIA MERK: I would like -- since
10 there seems to be a lot of BLM staff here, I'd like for
11 them to introduce themselves because we've only had
12 really two people introduce themselves. And -- and I'd
13 like for the rest of the people to introduce themselves
14 that are BLM staff and what capacity their working on.
15 Thank you.
16 MR. JOSTES: Hector.
17 MR. HECTOR VILLALOBOS: Sure.
18 My name is Hector Villalobos. I'm the
19 field manager in Ridgecrest for this area that we're
20 talking about today.
21 And the decision -- the final decision on
22 this will rest on my shoulders, and I hope to do a good
23 decision with all --
24 MR. JOSTES: Could you speak up a little
25 bit there, Hector?
0027 MS. INMAN-FERGUSON: I lost you at the end,
02 "a good decision with...."
03 MR. HECTOR VILLALOBOS: Oh, I'm sorry.
04 The decision on the EIS effort will be
05 resting on my shoulders. And of course, my staff is
06 going to be there to help me do that. And I hope to
07 make a good decision and with all of the good

08 information I'm getting today, I will strive to do
09 that.

10 Thank you.

11 MR. JOSTES: Did -- did you want to
12 introduce your other staff that's here?

13 MR. HECTOR VILLALOBOS: I would like to
14 start by introducing Linda Henson. She's the acting --
15 acting district manager for the Riverside district,
16 which encompasses the California & Desert Conservation
17 area. And she's, right now, located in Riverside. And
18 she came all the way up here today after attending a
19 meeting that we were all at earlier; and so she's here
20 to listen to some of your comments, too.

21 MS. LINDA HENSON: Exactly. Good evening.

22 MR. HECTOR VILLALOBOS: There's another
23 person here that I would like to introduce, and that's
24 Dick -- Richard Crowe. He is a -- right now he's been
25 working as the environmental and planning lead for the
0028 Northern and Eastern Colorado planning effort, which is
01 a huge planning effort. And that's beginning to wind
02 down. And he will start helping us being the planning
03 and coordination lead for this project for
04 Surprise Canyon.

05 And that's what we anticipate, pulling
06 together a staff and information. He's been attending
07 all these meetings, listening to comments that you're
08 making.

09 Another person that I'd like to introduce
10 is Jeff Aardahl. Jeff Aardahl is a resources --
11 multi-resource, mostly natural and cultural, chief in
12 Ridgecrest. And he's also been helping coordinate a
13 lot of this work for the Environmental Impact Statement
14 that we're going to be putting together, and he's also
15 been kind of the coordinator arranging for things with
16 contractors to get some independent people in here to
17 help us with this effort.

18 Let me see. Behind me is
19 Loretta Peterson. She's my administrative officer in
20 Ridgecrest, and she helps pay the bills. And the bill
21 that's -- we're having to -- to -- acquired today, she
22 just paid it for me and is helping me make sure that
23 people get paid on time.

24 She's also here because she's very
0029 important in our office. She's helps coordinate
01 things. She knows what I'm about, where I'm at at all
02 times, usually, and is my -- my right-hand, left-hand
03 person, practically; so I'm glad that she's helping in
04 this effort.

05 Let me see. Did I miss -- I have some law
06 enforcement folks over here -- Terry Allen. He's the
07 one that works in our neck of the woods out here, and
08 he has a -- I also wanted him to be present because
09 they need to listen to some of the comments that are
10 being made about that. And maybe down the road, he'll
11 help us with some law enforcement efforts.

13 We have some help from the Bishop office
14 over here, too. Ron.
15 MR. RON STORMO: Ron Stormo from the Bishop
16 office.
17 MR. HECTOR VILLALOBOS: And he's familiar
18 with some of our areas out here in the Northern Corner.
19 Let me see. Did I miss anyone?
20 MS. JERI FERGUSON: The contractor.
21 MR. HECTOR VILLALOBOS: The contractor, he
22 can introduce himself --
23 MR. JOSTES: I'm the facilitator --
24 MS. JERI FERGUSON: No. The other person.
25 MR. HECTOR VILLALOBOS: And there's a

0030

01 gentlemen here from AMEC.
02 MS. JERI FERGUSON: Yeah.
03 MR. HECTOR VILLALOBOS: From AMEC?
04 MR. RYAN BIRDSEYE: Ryan Birdseye.
05 MR. HECTOR VILLALOBOS: Ryan --
06 MR. RYAN BIRDSEYE: -- Birdseye.
07 MR. HECTOR VILLALOBOS: Yeah. And he's --
08 I really don't know too much about how we're -- he's
09 basically coordinating some of the contracting payments
10 and making sure these things happen and helping us
11 get -- it's a GSA contracting, General Service
12 Administration contracting, that we went through to get
13 some help to get to do these and other meetings,
14 basically.
15 MR. JOSTES: Yes.
16 MS. MARGRET GRAMS: Is AMEC an acronym?
17 MR. RYAN BIRDSEYE: Yes.
18 MS. JERI FERGUSON: Does it stand for
19 something?
20 MR. HECTOR VILLALOBOS: I don't know. I
21 don't know.
22 What -- does AMEC stand for anything?
23 MR. RYAN BIRDSEYE: Not that I'm aware of.
24 It's ACME, just spelled different.
25 MS. MARGRET GRAMS: If I looked in the

0031

01 telephone book, I'll find "AMEC"?
02 MR. RYAN BIRDSEYE: Do it. Yeah, AMEC.
03 It's environmental work, an environmental consulting
04 firm contracted by the BLM to help coordinate the
05 efforts for the Surprise Canyon item.
06 MR. HECTOR VILLALOBOS: Through the GSA,
07 General Services Administration.
08 MR. JOSTES: Okay. Thank you.
09 MR. HECTOR VILLALOBOS: Thank you.
10 MR. JOSTES: Would anybody else like to
11 speak?
12 Yes, ma'am.
13 MS. FRANZIE GRANDELL: My name is
14 Franzie Grandell, and I'm a little confused.
15 I haven't seen any way that really explains why a
16 lawsuit that has not even been before a -- a court
17 of law has more jurisdiction than congressional law

18 and what that has to do with the environment.
19 MR. JOSTES: That might be something that
20 would go in the introduction to set some context.
21 Okay.
22 Any last questions or comments?
23 Yes, sir.
24 MR. LARRY LANGSTON: I'm going to have to
25 fill out a card, though.
0032
01 MR. JOSTES: Here you go.
02 MS. JERI FERGUSON: Here. I stole a pen.
03 MR. LARRY LANGSTON: I'll go ahead --
04 MR. JOSTES: Please state your --
05 MR. LARRY LANGSTON: Anyway,
06 Larry Langston.
07 MR. JOSTES: State your name for the
08 record.
09 MR. LARRY LANGSTON: Larry Langston.
10 MR. JOSTES: Larry?
11 MR. LARRY LANGSTON: Yeah.
12 Well, I'm a little confused. We got a
13 lawsuit, and they've closed the area, and the reasons
14 to close it. Now, I'm assuming the reason for closing
15 it is for protecting everything. And whether it's
16 wildlife, some plant, historical value -- it's probably
17 all of those.
18 And I find it interesting because we used
19 to have a road in there. And I'm thinking now -- I
20 think the road ought to be put back in or we have
21 access into that area for equipment.
22 And I'm thinking -- so if lightening
23 strikes, as we're having the West burn up right now,
24 and we get huge fires going, we can't get equipment in
25 to fight the fires, burns up everything that we're
0033
01 trying to protect. What have we gained?
02 That's -- it seems to me like -- and I
03 can't see that the road was hurting that much. Maybe
04 the road needs to be rebuilt in there. And if there's
05 stuff we want to protect, if it burns up, we've lost
06 it.
07 MR. JOSTES: Okay. Good comment. Okay.
08 Last call.
09 Yes, sir.
10 MR. CHUCK WILLIAMS: I think you've got my
11 card up there someplace.
12 MR. JOSTES: If you could just restate
13 your name.
14 MR. CHUCK WILLIAMS: Chuck Williams.
15 MR. JOSTES: Chuck Williams. Okay, Chuck.
16 MR. CHUCK WILLIAMS: I just have one
17 question. It's my understanding, from some of the
18 contacts that I've had with BLM, that the Ridgecrest
19 office and some of the folks in the Ridgecrest office
20 have already made a predetermination that
21 Surprise Canyon is going to remain closed no matter
22 what all these meetings and things come to. And I

23 think that Surprise Canyon, because of its importance
24 to this area and the people who use it, that the
25 decision on Surprise Canyon should not be left up to a

0034

01 field manager. It should be at least left up to the
02 desert office in Riverside or the State BLM office.

03 The idea that two or three people in an
04 office in one area who have already, according to my
05 information, made a predetermination that this canyon
06 is going to stay closed, this needs to be elevated to a
07 higher level, and I certainly will do my part to see
08 that it gets elevated to a higher level if it has to go
09 all the way to the Department of the Interior.

10 MR. JOSTES: Okay. Okay.

11 Yes.

12 MR. STAN HAYE: This is Stan Haye.

13 Hector is here. I want Hector to answer to
14 that accusation.

15 MR. HECTOR VILLALOBOS: That there's a
16 predetermined decision that's been made?

17 MR. STAN HAYE: Yes.

18 MR. HECTOR VILLALOBOS: No. There hasn't
19 been a predetermined decision made on this, other than
20 combined with the lawsuits, that we've had an agreement
21 at this point, at least.

22 MR. JOSTES: Okay. Yes.

23 MS. FRANZIE GRANDELL: I'm

24 Franzie Grandell.

25 And I'm still confused about how a lawsuit

0035

01 that has not even gone before the court, has not been
02 determined by any judge, jury but only by BLM -- how
03 can BLM give away our rights as part of that
04 settlement?

05 MR. JOSTES: Okay. I will put it down
06 here. I don't have the answer for you this evening,
07 and I probably won't have it ever because of my
08 independence from this process. But I'll certainly put
09 it down here.

10 I think we've got it there.

11 MR. HECTOR VILLALOBOS: Franzie, after the
12 comments are done, I can talk to you about that.

13 UNIDENTIFIED PERSON: Actually we want to
14 all hear.

15 UNIDENTIFIED PERSON: Yeah, we would all
16 like an answer to that.

17 MR. HECTOR VILLALOBOS: You can look in the
18 website, in the California Conservation Desert website,
19 and see the lawsuit settlement. That was done by a
20 judge, and I can't tell you off the top of my head what
21 judge it is.

22 Okay. So all of you know that --

23 MR. JOSTES: Okay. You're going to need to
24 let him finish.

25 MR. HECTOR VILLALOBOS: So all of you know

0036

01 that -- well, some people here know already. In fact,

02 I know that there is a party here that was --
03 I think -- what do they call that status?
04 UNIDENTIFIED PERSON: Intervenor.
05 MR. HECTOR VILLALOBOS: Intervenor.
06 And they were a part of an intervenor on
07 behalf -- representing your group on this lawsuit.
08 So it was brought before a judge also
09 who -- when BLM settled with the Center of Biodiversity
10 on that. And it's all information you can see on our
11 website, in the California Desert Conservation website.
12 I believe all the news readings are there.
13 I believe that you can even -- you may -- some people
14 have access to some of that agreement information.
15 And, Jeff, is that true?
16 MR. JEFF AARDAHL: I couldn't hear all of
17 what you were saying.
18 MR. HECTOR VILLALOBOS: That some of the
19 lawsuit information is on our website.
20 And I believe that some of the decisions
21 that have been made are there. So for your
22 clarification and others here, it was by a judge.
23 MS. FRANZIE GRANDELL: But the public got
24 no input?
25 MR. HECTOR VILLALOBOS: I'm sorry?
0037 MS. FRANZIE GRANDELL: The public got no
01 input?
02 MR. HECTOR VILLALOBOS: There were
03 intervenors that participated in it, four other
04 intervenors -- OHV; I think, multiuse; and interest
05 groups -- that participated in it.
06 The judge also allowed depositions to be
07 made by other parties, and he took those into
08 consideration which were also representing OHVs'
09 concerns.
10 MR. JOSTES: Okay.
11 MR. HECTOR VILLALOBOS: And I can talk to
12 you more about that and help you get that information
13 from our website.
14 MR. JOSTES: Okay. Is there anybody who
15 hasn't spoken who would like to speak? Okay.
16 Additional comments to be made focusing on the -- focus
17 and structure of the EIS and the alternatives?
18 Sam, did you have a comment?
19 MS. SOPHIA MERK: I have a question.
20 MR. JOSTES: Okay. Let's hear it.
21 MS. SOPHIA MERK: I have a financial
22 question. I'm a person of the public, and I'm kind of
23 curious how much these meetings are costing in the way
24 of staff, in the way of -- I would just like to know
0038
01 how much money --
02 MR. HECTOR VILLALOBOS: My time is free.
03 That's one -- one cost you won't have to count.
04 MS. SOPHIA MERK: Bill for the court
05 reporter. You got --
06 MR. HECTOR VILLALOBOS: I don't have those

07 off the top of my head.
08 MS. SOPHIA MERK: You've got -- one, two,
09 three, four, five, six, seven -- eight staff here.
10 MR. HECTOR VILLALOBOS: Like I said, my
11 time is free, so....
12 MS. SOPHIA MERK: So is mine. So is mine,
13 but I'm just curious what it costs.
14 MR. HECTOR VILLALOBOS: I don't have those
15 figures off the top of my head.
16 MR. JOSTES: Sam, I can tell you that from
17 my perspective, that it's not the cost as much as it is
18 us trying -- as least for myself, and I presume that
19 the court reporter to try to get down here what you say
20 so that we can provide the BLM with an objective.
21 "Here's the kind of questions that came up
22 from the variety of interests." Now it's up to you to
23 see which -- and how those integrate into your EIS
24 process so we do not go through this a second time or a
25 third time.

0039
01 It seems to me that it's a lot more cost
02 effective to see public input early on and often so
03 that that material can be considered in the EIS
04 process. So I think it's really cost-effective.
05 MS. SOPHIA MERK: As part of the scoping
06 process, I feel better that the court report -- you
07 know, the reporter here versus some of the other means
08 that the BLM has used in the past, where they have
09 taken notes, and some of the notes have never made it
10 to a stage where it should have made it at.
11 MR. JOSTES: You bet.
12 MS. SOPHIA MERK: So I feel better about
13 that. I was just kind of curious.
14 MR. JOSTES: Okay. Any last questions or
15 comments before we close?
16 Jeri and then Stan.
17 MS. JERI FERGUSON: I was -- to go along
18 Sam's line of thought there, as far as costs goes, you
19 know, actually the cost of this whole process, the EIS
20 for Surprise Canyon, is important because -- specially
21 because it was due to a lawsuit, and you know, the
22 reasoning that was given, which happened after -- I
23 mean, when we were in court, there wasn't any reason
24 given for the closure, but afterward, BLM came up with
25 different reasons, basically biological, which is fine

0040
01 because, you know, they had to have a reason.
02 But the cost of this lawsuit is important,
03 and this is one segment of that lawsuit because
04 basically this would not be going on if it was not for
05 that lawsuit.
06 And so, you know, the whole -- the amount
07 of money that BLM spent, especially on Surprise Canyon,
08 when there was not any endangered species and there
09 isn't any water quality issues as far as -- you know,
10 the testing is one -- and everything else.
11 So, you know, the cost is important

12 especially for future lawsuits. The CBD is still going
13 out and filing FOIAs, and they are still going out and
14 suing other places, and this is going to set
15 precedence, this EIS, because it's an EIS for a
16 specific area, a very small area. And this is
17 basically unheard of to do an EIS in such a very, very
18 small area as far as recreation is concerned.

19 MR. JOSTES: Okay. Stan. Last comment.

20 MR. STAN HAYE: Stan Haye.

21 I think almost irregardless of what this
22 costs, it's got to be done because the reason the BLM
23 settled the lawsuit is because their position on the
24 desert was untenable.

25 CBD wouldn't have won the lawsuit if it
0041

01 would have gone to court or gone to trial, and the
02 reason they would have lost is because it didn't cross
03 the T's and dot the I's.

04 And that's what we're doing tonight is
05 exactly that. And if they don't, we're going to get
06 sued, and they're going to lose and -- one side or the
07 other, maybe both.

08 Also, to point out that OHV organizations
09 have filed, to my knowledge, two lawsuits regarding
10 closure of routes in the California desert and --

11 MR. JOSTES: Stan, I think that's a
12 little --

13 MR. STAN HAYE: -- if those suits are not
14 dotting --

15 MR. JOSTES: -- bit off our issue here.

16 MR. STAN HAYE: -- I's and crossing the
17 T's -- the basis of all this is that. That's what, you
18 know -- so the cost just doesn't matter. It's not a
19 determiner.

20 MR. JOSTES: Okay. Okay.

21 MS. SOPHIA MERK: That's why I really think
22 it's important that we define up front who the lead
23 agency is.

24 It's really important because if you're
25 going to give the Department of Fish & Game all of a
0042

01 sudden be a lead agency on something that was a BLM
02 problem to begin with and then they're going to switch
03 from federal to state, you got a whole bunch of
04 different laws that you have to apply under. And you
05 just have to do a complete -- you have to do a complete
06 circle around.

07 That's why it's really important to
08 establish up front that you get those timing -- those
09 time limits in correctly. You don't -- you don't do 24
10 days for San Diego and 32 for -- you have to give
11 everybody at least 30 days -- at least 30 days. And
12 then when you go into the real comments, you have to
13 give people the 90 days. You can't do the 66th day and
14 47th day one time and 24 days on another time.
15 It's not correct.

16 You know this -- this book was written for

17 a purpose, and BLM needs to follow it. That way
18 that -- next time when they go to court, they don't
19 have to fall over on their backside and -- and give
20 in. This way they dot their T's -- they dot their I's.

21 MS. JERI FERGUSON: Cross their T's.

22 MR. JOSTES: Thank you. Thank you all for
23 your comments and for coming this evening.

24 We'll put this into the record, both in
25 terms of the scoping report as well as the court
0043

01 reporting. And it will be part of the environmental
02 documentation that emerges from this process.

03 Next two meetings, Pasadena; next Monday
04 night, we'll go in the afternoon; and San Diego on
05 Tuesday.

06 Thank you all for coming.

07 MS. SOPHIA MERK: When does this close,
08 again?

09 MR. JOSTES: Excuse me?

10 MS. SOPHIA MERK: When does this close
11 again?

12 MR. JOSTES: When does what close?

13 MS. SOPHIA MERK: The comment period.

14 MR. JOSTES: The comment period, it's my
15 understanding that -- that written comment and the
16 scoping is for August 30th.

17
18 (Whereupon, at 8:24 p.m., the
19 Scoping Meeting was concluded.)
20
21
22
23
24
25

0044

01 STATE OF CALIFORNIA)
01) ss.
02 COUNTY OF KERN)
02
03
03
04
04
05
05

06 I, Jill Inman-Ferguson, do hereby certify
07 that I transcribed the foregoing-entitled matter; and I
08 further certify that the foregoing is a full, true, and
09 correct transcription of such proceedings.

10 Dated this September 9, 2002, in
11 Bakersfield, California.
12
13
14
15
16

16
17
17
18
18
19
19
20
20
21
21
22
22
23
23
24
24
25
25

Jill Inman-Ferguson